

# EXHIBIT 3



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# Transcript of Michelle Hastings, Ph.D.

**Date:** September 13, 2024

**Case:** Nippon Shinyaku Co., Ltd. -v- Sarepta Therapeutics, Inc.

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Michigan #8598 | Nevada #089F | New Mexico #566

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF DELAWARE

3 - - - - - - - - - - - - - - - x  
4 NIPPON SHINYAKU CO., LTD., : C.A. No. 21-1015  
5 Plaintiff, : (CBW)  
6 vs. :  
7 SAREPTA THERAPEUTICS, INC., :  
8 Defendant. :  
9 SAREPTA THERAPEUTICS, INC., :  
10 and THE UNIVERSITY OF WESTERN :  
11 AUSTRALIA, :  
12 Defendants/Counter-Plaintiffs,:  
13 vs. :  
14 NIPPON SHINYAKU CO., LTD. :  
15 and NS PHARMA, INC., :  
16 Plaintiffs/Counter-Defendants.:  
17 \_\_\_\_\_ x

18 [REDACTED]  
19 Videotaped Deposition of MICHELLE HASTINGS, Ph.D.

20 Chicago, Illinois

21 Friday, September 13, 2024

22 9:05 a.m.

23 Job No.: 553177

24 Pages: 1 - 134

25 Reported By: JENNIFER L. BERNIER, CSR, RMR, CRR

Transcript of Michelle Hastings, Ph.D.

Conducted on September 13, 2024

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1 Videotaped deposition of MICHELLE HASTINGS,  
2 Ph.D., held at the offices of:

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4  
5 Morgan Lewis & Bockius LLP  
6 110 North Wacker Drive  
7 Chicago, Illinois 60601  
8 312.324-1000

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12  
13 Pursuant to notice, before Jennifer L. Bernier,  
14 an Illinois Certified Shorthand Reporter, Registered  
15 Merit Reporter, Certified Realtime Reporter.

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Transcript of Michelle Hastings, Ph.D.

Conducted on September 13, 2024

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1 A P P E A R A N C E S

2 APPEARED ON BEHALF OF PLAINTIFF/

3 COUNTER-DEFENDANTS NIPPON SHINYAKU AND NS PHARMA:

4 WAN-SHON LO, ESQUIRE

5 CHRISTOPHER J. BETTI, Ph.D., ESQUIRE

6 ALISON P. PAPITUCCI, Ph.D., ESQUIRE

7 MORGAN LEWIS & BOCKIUS LLP

8 110 North Wacker Drive

9 Chicago, Illinois 60606-1511

10 312.324.1742

12 APPEARED ON BEHALF OF DEFENDANT/

13 COUNTER-PLAINTIFF SAREPTA THERAPEUTICS, INC.:

14 DAVID P. FRAZIER, Ph.D., ESQUIRE

15 LATHAM & WATKINS LLP

16 555 Eleventh Street, N.W. Suite 1000

17 Washington, D.C. 20004-1304

18 202.637.2200

21 ALSO PRESENT:

22 Erin Schuppert - PD Videographer

23 Cole Kirkendall - PD Videographer Trainee

Transcript of Michelle Hastings, Ph.D.

Conducted on September 13, 2024

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1                 THE VIDEOGRAPHER: Here begins Media No. 1             09:04:49  
2 in the videotaped deposition of Michelle                             09:04:52  
3 Hastings, Ph.D. in the matter of Nippon Shinyaku,             09:04:56  
4 Ltd. v. Sarepta Therapeutics, Incorporated in the             09:05:00  
5 United States District Court for the District of             09:05:04  
6 Delaware, Case No. C.A. No. 21-1015 (GBW).                     09:05:07  
7                 Today's date is September 13th, 2024. The             09:05:21  
8 time on the video monitor is 9:05 a.m. Central.                 09:05:26  
9                 The videographer today is Cole Kirkendall,             09:05:29  
10 representing Planet Depos.  
11                 This videotape deposition is taking place at             09:05:36  
12 110 North Wacker Drive, Chicago, Illinois 60601.                 09:05:38  
13                 Would counsel please voice-identify                     09:05:42  
14 themselves and state whom they represent.                     09:05:45  
15                 MR. FRAZIER: David Frazier from Latham &             09:05:48  
16 Watkins for Sarepta.   09:05:01  
17                 MS. LO: This is Shon Lo from Morgan Lewis &             09:05:54  
18 Bockius on behalf of Nippon Shinyaku and the                     09:05:57  
19 witness.   09:05:58  
20                 And with me, I have my colleagues                     09:05:58  
21 Allison Patitucci and Christopher Betti.                     09:06:01  
22                 THE VIDEOGRAPHER: The court reporter today             09:06:06  
23 is Jennifer Bernier, representing Planet Depos.                 09:06:07  
24                 Would the reporter please swear in the                     09:06:10  
25 witness.   09:06:12

Transcript of Michelle Hastings, Ph.D.

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1 (Witness sworn.)

2 WHEREUPON:

3 MICHELLE HASTINGS,

4 called as a witness herein, having been first duly  
5 sworn, was examined and testified as follows:

6 EXAMINATION

7 BY MR. FRAZIER:

8 Q Good morning, Dr. Hastings. 09:06:23

9 A Good morning. 09:06:25

10 Q You've been deposed before, correct? 09:06:26

11 A Yes. 09:06:27

12 Q Okay. Let me just give you a few quick  
13 reminders that will make the day go more smoothly. 09:06:28

14 First of all, it will work best if we don't  
15 talk at the same time. So I'll try to ask a  
16 complete question and stop, give you time to answer.  
17 If I don't interrupt you, please, will you try not  
18 to interrupt me? 09:06:34

19 A Yes. 09:06:36

20 Q Excellent. 09:06:38

21 And then is there any reason today that you  
22 can't give complete and truthful testimony? Any  
23 medication or anything? 09:06:42

24 A No. 09:06:46

25 Q Okay. And you prepared for your deposition 09:06:50

Transcript of Michelle Hastings, Ph.D.

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1           But I have worked with antisense           09:10:39  
2 oligonucleotides that have been designed against           09:10:41  
3 various oligonucleotides that have been shown to be           09:10:45  
4 active. And so in the course of that, we have used           09:10:50  
5 some of them as controls on occasion.           09:10:52  
  
6       Q But your -- your professional work does not           09:10:54  
7 relate to designing antisense oligonucleotides for           09:11:00  
8 the treatment of DMD, correct?           09:11:05  
  
9       A Yeah, we don't design them to treat DMD.           09:11:07  
10 They're usually used in the course of our work as --           09:11:12  
11 in antisense oligonucleotides. So we haven't worked           09:11:14  
12 to treat -- to make a treatment for it, for           09:11:17  
13 Duchenne's.           09:11:22  
  
14      Q So -- all right. In your professional work,           09:11:23  
15 you are not researching or developing treatments for           09:11:25  
16 DMD, correct?           09:11:29  
  
17      A That's right, we are not working to develop           09:11:30  
18 treatments for DMD.           09:11:35  
  
19      Q But you are an expert in antisense           09:11:36  
20 oligonucleotides; is that right?           09:11:41  
  
21      A That's right. We develop antisense           09:11:43  
22 oligonucleotides for the treatment of a number of           09:11:46  
23 other pediatric diseases.           09:11:48  
  
24      Q And are you an expert in the design of           09:11:50  
25 antisense oligonucleotides?           09:11:53

Transcript of Michelle Hastings, Ph.D.

Conducted on September 13, 2024

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1 A Yes. We do everything from the conception 09:11:55  
2 to design, testing, manufacturing, and developing of 09:11:58  
3 antisense oligonucleotides for treating disease. 09:12:03

4 Q And you're an expert in the use of antisense 09:12:06  
5 oligonucleotides? 09:12:11

6 A Yes, we use them. That's a focus of my -- 09:12:12  
7 my research. 09:12:16

8 Q And you're an expert in the treatment of 09:12:16  
9 Duchenne's muscular dystrophy? 09:12:20

10 A I don't treat. I'm not a physician. I 09:12:22  
11 don't treat Duchenne's muscular dystrophy patients. 09:12:23

12 Q So you're not an expert in the treatment of 09:12:26  
13 Duchenne's muscular dystrophy? 09:12:30

14 A I would say that I'm an expert in the -- in 09:12:32  
15 the -- in the medicines that are used to treat 09:12:34  
16 Duchenne's muscular dystrophy. But I'm not a 09:12:36  
17 physician. I don't see patients that have 09:12:40  
18 Duchenne's muscular dystrophy. I do see --

19 (Reporter clarification.) 09:53:16

20 THE WITNESS: Okay. 09:12:51

21 THE REPORTER: Thank you.

22 THE WITNESS: I'm not a physician. I don't 09:12:51  
23 see patients that have Duchenne's muscular 09:12:51  
24 dystrophy. 09:12:55

Transcript of Michelle Hastings, Ph.D.

Conducted on September 13, 2024

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1 C E R T I F I C A T E

2 I, JENNIFER L. BERNIER, a Certified  
3 Shorthand Reporter, Registered Merit Reporter,  
4 Certified Realtime Reporter, the officer before whom  
5 the foregoing videotaped deposition was taken, do  
6 hereby certify that the foregoing transcript is a  
7 true and correct record of the testimony given; that  
8 said testimony was taken by me stenographically and  
9 thereafter reduced to typewriting under my  
10 supervision; that reading and signing was requested;  
11 and that I am neither counsel for or related to, nor  
12 employed by any of the parties to this case and have  
13 no interest, financial or otherwise, in its outcome.

14 IN WITNESS WHEREOF, I have hereunto set my  
15 hand this September 18, 2024.

16  
17 My commission expires May 31, 2025.  
18

19  
20 

21 JENNIFER L. BERNIER, CSR, RMR, CRR  
22  
23  
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25

No. 553177

Re: Deposition of Michelle Hastings, Ph.D.  
Date: 9/13/2024  
Case: Nippon Shinyaku Co., Ltd. -v- Sarepta Therapeutics, Inc.  
Return to: transcripts@planetdepos.com

October 14, 2024

(Date)

(Signature)

Re: Deposition of **Michelle Hastings, Ph.D.**

Date: 9/13/2024

Case: Nippon Shinyaku Co., Ltd. -v- Sarepta Therapeutics, Inc.

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ACKNOWLEDGMENT OF DEPONENT

I, Michelle Hastings, Ph.D., do hereby acknowledge that I have read and examined the foregoing testimony, and the same is a true, correct and complete transcription of the testimony given by me and any corrections appear on the attached Errata sheet signed by me.

10/14/2024

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(Date)

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(Signature)